IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE Dr. JUSTICE G.YETHIRAJULU
WRIT PETITION NO : 16742 of 2004

Between:

Dr. P. Johnson S/o P. J. Prabhakar Rao
R/o T.Q.No. 08, APSWRJC, Kurungunta, Ananthapur

.....
PETITIONER

AND

1 Sri Krishna Devaraya University, Rep by Registrar, Ananthapur
2 The Government of A.P., rep by Principal Secretary, Higher
Education, Secretariat, Hyderabad
3 The Government of A.P., rep by Prl. Secretary, Finance and
Planning Department, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of mandamus declaring the action of the respondents in not regularising the services of the petitioner as per the conditions laid down in G.O. Ms. No. 212, Finance and Planning Department, dated 22-4-1994 and its consequential amendment act 27/98 dated 19-8-1998 and also as per the Judgment rendered by this Hon'ble Court which is reported in 2001(4) Ald-368(DB) as highly arbitrary, illegal and violative of Article 14, 16 and 21 of the constitution and consequentially to direct the respondents to consider the case of the petitioner for regularisation of his services as per the above G.Os and Judgment, in the post of Assistant Director Physical Education with all consequential benefits

Counsel for the Petitioner: MR.P.V.RAMANA

Counsel for the Respondent No.1: Mr. Sriramulu Naidu

Counsel for the Respondent No. 2: GP FOR EDUCATION

Counsel for the Respondent No. 3: GP for Finance & Planning

The Court made the following :

ORDER:

The Petitioner contends that he is working as a Coordinator. As per G.O Ms. No. 212 Finance & Planning (FW. PCIII) Department, dated 22.4.1994 and its Amendment Act 27 of 1998, he is entitled to regularisation of his services as Assistant Director for M.P.Ed Course. From 1991 till 1999 he worked as Coordinator, which is equivalent to the post of Assistant Director. The Government through G.O. Ms. No. 465 Education (UE.I-2) Department, dated 14.12.1994, sanctioned the post of Assistant Director. Petitioner submits that the Government of Andhra Pradesh has laid down a policy for regularisation of N.M.Rs/Daily wage employees etc., and initially a cut off date of 25.11.1993 was prescribed and by the said date the persons who completed five years were entitled for regularisation of their services by fulfilling certain conditions laid down in the said G.O. Petitioner

further contends that a Division bench of this Court in a case reported in 2001(4) ALD 368 (DB) held that the persons who completed five years as on the amendment Act 27 of 1998, which came into force on 19.8.1998 are all entitled for regularisation of their services, if they fulfill the conditions laid down in G.O. Ms No. 212 dated 22.4.1994. Petitioner further contends that he completed five years of service as on 19.8.1998 and therefore, he is entitled to be considered to the post of Assistant Director on regular basis. The main grievance of the petitioner is that the first respondent is now taking steps to fill up the post of Assistant Director. Therefore, petitioner approached this Court through this writ petition seeking direction to the respondents to consider his candidature for regularisation of his services as Assistant Director, Physical Education, with all consequential benefits.

Heard the learned counsel on both sides.

Having regard to the above facts and circumstances of the case, respondents are directed to consider whether the petitioner is eligible for regular appointment as an Assistant Director as per the G.O. Ms. No. 212 Finance & Planning (FW. PCIII) Department, dated 22.4.1994 and the Amendment Act 27 of 1998 and also keeping in view the pendency of the appeal before the Supreme Court preferred by the respondents against the judgment of the

Division bench of this Court reported in 2001(4) ALD 368 and pass appropriate orders in accordance with the existing rules.

The writ petition is accordingly disposed of. No costs.

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kvsn 17-09-2004

To

1 The Registrar, Sri Krishna Devaraya University, Ananthapur

2 The Government of A.P., rep by Principal Secretary, Higher Education, Secretariat, Hyderabad

3 The Government of A.P., rep by Prl. Secretary, Finance and Planning Department, Secretariat, Hyderabad

4 The G.P. for Education, High Court Buildings, Hyderabad.

5 The G.P. for Finance & Planning, High Court Buildings, Hyderabad.

6 Two C D copies.